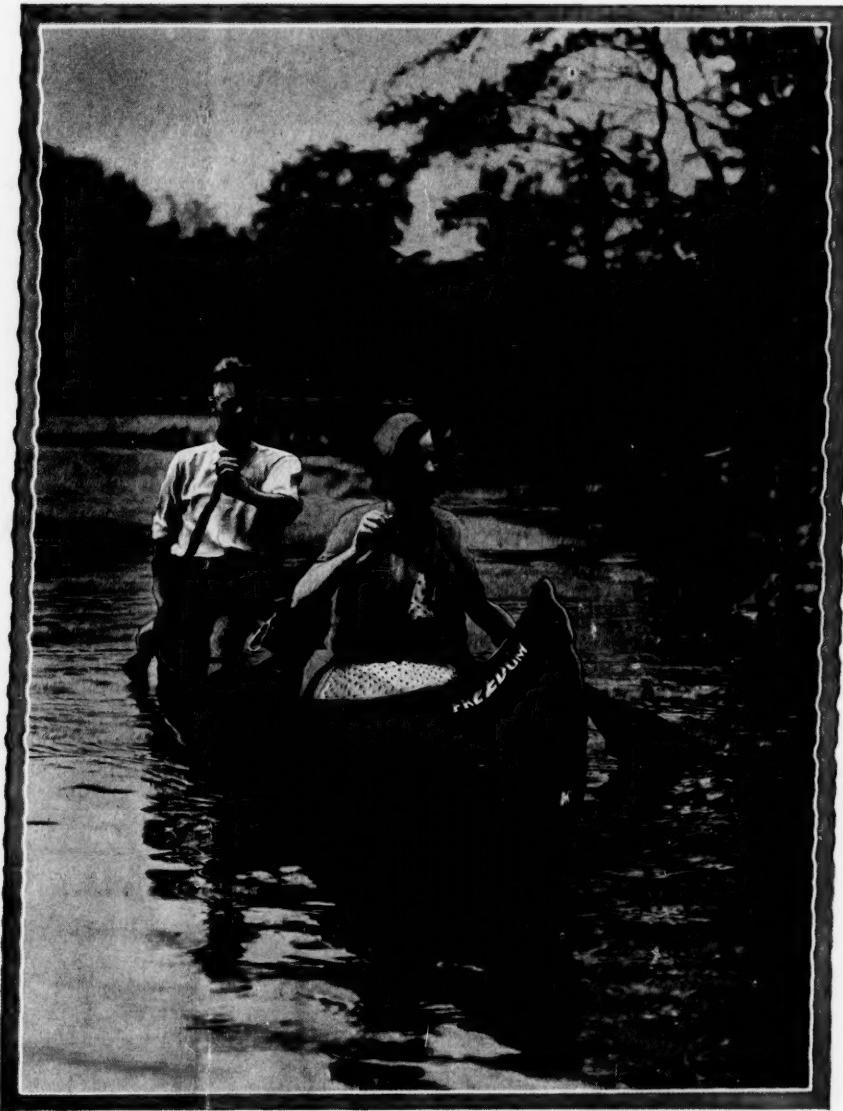


# LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



H. ARMSTRONG ROBERTS

BLUE LAWS IN MANY STATES STRICTLY CONSTRUED, FORBID EVEN  
SUCH PLEASURES AS THIS ON SUNDAY

THE ONWARD MARCH OF RELIGIOUS FREEDOM—Page 76  
TWENTY CENTS A COPY

WASHINGTON, D. C.



# Religious Liberty Association

## DECLARATION OF PRINCIPLES

1. We believe in God, in the Bible as the word of God, and in the separation of church and state as taught by Jesus Christ.
2. We believe that the ten commandments are the law of God, and that they comprehend man's whole duty to God and man.
3. We believe that the religion of Jesus Christ is founded in the law of love of God, and needs no human power to support or enforce it. Love cannot be forced.
4. We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights and to rule in civil things, and that in this realm it is entitled to the respectful obedience of all.
5. We believe it is the right, and should be the privilege, of every individual to worship or not to worship, according to the dictates of his own conscience, provided that in the exercise of this right he respects the equal rights of others.
6. We believe that all religious legislation tends to unite church and state, is subversive of human rights, persecuting in character, and opposed to the best interests of both church and state.
7. We believe, therefore, that it is not within the province of civil government to legislate on religious questions.
8. We believe it to be our duty to use every lawful and honorable means to prevent religious legislation, and oppose all movements tending to unite church and state, that all may enjoy the inestimable blessings of civil and religious liberty.
9. We believe in the inalienable and constitutional right of free speech, free press, peaceable assembly, and petition.
10. We also believe in temperance, and regard the liquor traffic as a curse to society.

For further information regarding the principles of this association, address the Religious Liberty Association, Takoma Park, Washington, D. C. (secretary, C. S. Longacre; associates, H. H. Votaw and M. C. Taft), or any of the affiliated organizations given below:

## AFFILIATED ORGANIZATIONS

**Atlantic Religious Liberty Association** (affiliated organizations in Maine, Vermont, Massachusetts, New Hampshire, New York, Connecticut, and Rhode Island): Office, South Lancaster, Mass.; secretary, E. K. Slade.

**Eastern Canadian Religious Liberty Association** (affiliated organizations in New Brunswick, Nova Scotia, Quebec, Ontario, and Newfoundland): Office, Oshawa, Ontario; secretary, W. C. Moffett.

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**Columbia Religious Liberty Association** (affiliated organizations in Pennsylvania, Ohio, New Jersey, Virginia, West Virginia, Delaware, and Maryland): Office, 507 Flower Ave., Takoma Park, D. C.; secretary, A. J. Clark; associate, B. G. Wilkinson.

**Northern Religious Liberty Association** (affiliated organizations in Minnesota, Iowa, North Dakota, and South Dakota): Office, 2718 Third Ave., South, Minneapolis, Minn.; secretary, Charles Thompson.

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**Southern Religious Liberty Association** (affiliated organizations in Alabama, Kentucky, Tennessee, Louisiana, and Mississippi): Office, 2001 24th Ave. N., Nashville, Tenn.; secretary, O. F. Frank.

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# LIBERTY

"Proclaim liberty throughout all the land unto all the inhabitants thereof." Leviticus 25:10.

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NO. 3

**CHARLES S. LONGACRE**, Editor                    **CALVIN P. BOLLMAN**, Managing Editor  
**HEBER H. VOTAW** and **M. C. TAFT**, Associate Editors

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### WILLIAM PENN—1644-1718

Did Christ Jesus or His holy followers endeavor by precept or example to set up their religion with a carnal sword? . . . O king! when did the true religion persecute? When did the true church offer violence for religion? Were not her weapons prayers, tears, and patience? Did not Jesus conquer by those weapons, and vanquish cruelty by suffering? Can clubs and staves and swords and prisons and banishments reach the soul, convert the heart, or convince the understanding of man? When did violence ever make a true convert, or bodily punishments a sincere Christian? This maketh void the end of Christ's coming, which is to save men's lives, and not to destroy them; to persuade them, and not to force them; yea, it robbeth God's Spirit of His office, which is to convince the world: that is the sword by which the ancient Christians overcame.—*From a letter by William Penn to the king of Poland, who persecuted the Quakers.*

# LIBERTY

"Proclaim liberty throughout all the land unto all the inhabitants thereof." Leviticus 25:10.

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## The Fight for Religious Liberty in the State of William Penn

FOR more than one hundred and seventy-five years the State of Pennsylvania has been dominated by a small religious hierarchy who succeeded in imposing their religious ideas upon the rest of the citizenry of the Quaker State.

Today Pennsylvania is one of the few backward States in the Union which still enforce religious acts under the penal code.

The Lord's Day Alliance and the Pennsylvania Sabbath Association feast the State legislators, the governor, and other State officials, at the Penn-Harris Hotel directly opposite the capitol building in Harrisburg, once every session. At these legislative banquets the clergy entertain the legislators with religious lectures on the homiletics of Sunday observance by civil law, and the liberal element in the legislature is threatened with a religious boycott at the polls by the organized church interests, until most of the lawmakers are so intimidated that they dare not call their souls their own. Every legislator who agitates for a liberalized Sunday law



*The Capitol at Harrisburg*

and votes for such a bill, is placed on the black list, and his name is published on the political roster by the churchmen just before election, as a candidate who is not to be voted for by the church people.

These tactics have been carried on for years by a small group of organized churchmen who compose the Lord's Day Alliance and the Pennsylvania Sabbath Association, and so far they have succeeded in blocking every move to have the drastic Sunday blue laws repealed or modified in any degree. These special organized interests, which are determined to hold their strangle grip upon the unorganized majority in the State of Pennsylvania, constitute a menace to free republican institutions. When the State government yields to these highly organized religious minorities, and refuses to give the unorganized majority a voice to decide what laws shall govern them, as was the case in the last session of the State legislature, when the Musmanno bill on home rule or local option relative to Sunday

legislation was under consideration, it is time for the unorganized majority to organize and make their influence felt.

Governments derive their just powers from the consent of the majority of the governed, and not from the dictation of a small minority. The legislative committee decided that the people of Pennsylvania should not be given the right to decide for themselves what kind of Sunday laws should govern them. The committee members assured the clergy at the banquet in the Penn-Harris Hotel that they would not report the home rule Sunday bill out of the committee. The committee lived up to its pledge to the clergy, and refused to give the legislature an opportunity to vote upon the proposition. Governor Pinchot likewise pledged his support to the clergy at the banquet, and stated that he was well satisfied with the Sunday blue laws of Pennsylvania, which prohibit everything on Sunday except religious acts, and all conduct except such as partakes of the spirit of holiness.

Instead of blindly yielding in submission to such a highly organized band of clergymen, who have a special interest to promote in behalf of their religion, it is the business of civil government to remain neutral upon the subject of religion, and to stand in defense of the common interest against the special interest. Public officials should not seek to circumvent and frustrate public opinion, but to keep abreast with it in its onward march. A free government cannot long endure when public officials deny the right of popular expression upon public questions, and allow the organized minority to dominate the unorganized majority.

#### Public Hearing Before the Legislature

On March 17 a public hearing was held in the house of representatives before a joint committee of the senate and the house on the Musmanno Local Option Bill on Sunday Observance. The editor of the LIBERTY magazine was one

of the speakers. At the conclusion of his talk before the joint committee, the following conversation took place, according to the record of the proceedings, between the speaker and one of the Senators:

"SENATOR: Do you believe the ten commandments of God ought to be obeyed?"

"MR. LONGACRE: I certainly believe that everybody ought to observe the ten commandments of God."

"SENATOR: Do you believe in the fourth commandment to keep the Sabbath day holy?"

"MR. LONGACRE: I certainly do believe that every man, woman, and child in this world ought to keep the fourth commandment, or the Sabbath day of that commandment, holy. I personally keep that commandment as God wrote it, and not as man interprets it. That commandment says that 'the seventh day is the Sabbath of the Lord thy God,' and not the first day of the week."

"SENATOR: You follow the calendar, then, and observe Saturday instead of Sunday according to the Bible?"

"MR. LONGACRE: Yes, I follow both the Bible and the calendar, for both the Bible and the calendar are agreed, and always have agreed, that the seventh day of the week is Saturday and that Sunday is the first day of the week. There is no command anywhere in the Bible that we shall observe the first of the week, or Sunday, but there is a divine command that we shall observe the seventh day as the Sabbath."

"SENATOR: If you believe that all men, including yourself, should observe the ten commandments, including the fourth commandment, then why is not the State legislature justified in enacting and enforcing the ten commandments, which would necessarily include the fourth commandment?"

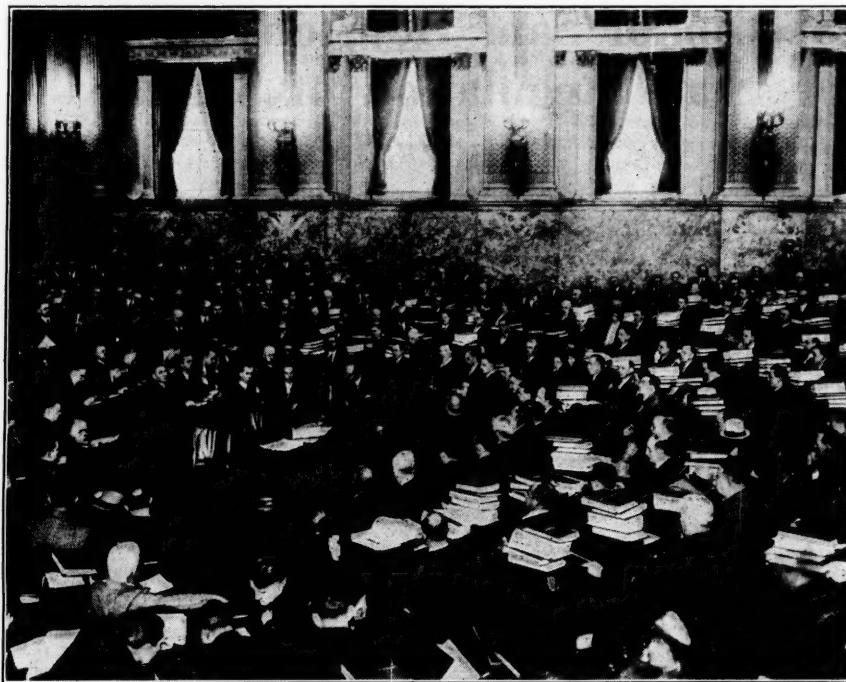
"MR. LONGACRE: Let me tell you and the members of this committee in all seriousness, that the State legislature cannot in justice enact and enforce the ten commandments of God or any of them as God's commandments. The law of God is spiritual and not secular or civil."

"SENATOR: Cannot the State enact and enforce the commandment which says, 'Thou shalt not steal'?"

"MR. LONGACRE: No, that commandment cannot be enforced by the State as God's commandment. The Lord says, 'Will a man rob God? Yet ye have robbed Me . . . in tithes and offerings.' The State legislature has no right in justice to enforce the payment of tithes and offerings to God, or punish any citizen for his robbery of God."

"SENATOR: Cannot the State enforce the commandment which says, 'Thou shalt not kill'?"

"MR. LONGACRE: No, the State cannot enforce this commandment as God's command-



PHILADELPHIA "RECORD" PHOTO

*A Public Hearing Held Before a Joint Committee of the Senate and House in the Capitol at Harrisburg, Pa., on the Musmanno Local Option Bill on Sunday Observance*

ment. Christ said, 'Whosoever is angry with his brother' is a murderer. The State cannot hang or even punish a man for merely hating or getting angry with his brother.

"SENATOR: How about the commandment of God, 'Thou shalt not commit adultery'?

"MR. LONGACRE: The State cannot enforce this commandment as God's commandment. Christ said in the sermon on the mount, 'Whosoever looketh on a woman to lust after her hath committed adultery with her already in his heart.' How could a civil magistrate enforce that commandment as God's commandment, because he cannot know the motives of a man's heart when he looks on a woman. God only can judge the motives of the heart, and determine the spiritual values of the ten commandments. How could the civil magistrate enforce the tenth commandment, which says, 'Thou shalt not covet'? He cannot read the mind and heart of man.

"Jesus Christ said the whole law hung upon these two commandments,—'Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and great commandment. And the second is like unto it, Thou shalt love thy neighbor as

thyself. On these two commandments hang all the law.' How can the civil magistrate enforce these two commandments, which are the embodiment of all the ten commandments?

"We agree with Roger Williams that the first four commandments of the decalogue prescribe man's duties toward God, and a violation of those first four commandments are offenses against God alone, and for which the offender is responsible to God alone at His tribunal in the last great day, and not at Caesar's judgment bar now. The last six commandments of the decalogue may cover offenses against God and offenses against man, and they cannot be enforced as offenses against God, but only as offenses against man in such cases where the overt acts of man have inflicted a personal injury or violated a property right of man.

"Therefore the state or the civil magistrate cannot in justice enforce the first four commandments of the decalogue, which prescribe exclusively man's duties toward God, and pertain to acts which, in their very nature, are purely devotional, spiritual, and religious. They have nothing whatever to do with man's relationship with man, or with his duties to the

(Continued on page 83)

# Speech of Sam Houston Opposing State Regulation of Sunday Observance

GENERAL SAM HOUSTON, United States Senator from Texas, delivered a remarkable speech on the subject of Sunday legislation in 1853. General Houston is considered one of the most distinguished of Texas statesmen, and acted a very prominent part in the early history of that State. The Dallas *Herald* printed this speech in 1882, with the following introduction:

"In 1853 a delegation of ministers having knowledge that Senator Houston had joined the Sons of Temperance, called upon him in eastern Texas on his way home from Congress, and requested him to bestow his influence and aid to secure the enactment of a Sunday and prohibition law."

The following, taken from the biography of this great American statesman, is his reply to the ministers who approached him upon this question:

"I agree with you that any unnecessary amusement that is calculated to disturb and annoy persons in religious worship on the Christian Sabbath, is wrong and censurable, such as horse racing, gambling of all devices, and indulging in a social glass in public.

"You request me to use my influence and exertions, such as I possess, to induce the legislature to enact a law to effect the suppression of the same.

I understand by that you desire the lawmaking power to declare a penal offense for persons to perform certain acts on a particular day.

"In reply, I hold and maintain that it is far better to endure and suffer from the ills of even a great evil, than to violate in the least a vital principle of civil and religious liberty.

"When tyrants ask you to yield one jot of your liberty, and you consent thereto, it is the first link forged in the chain that will eventually hold you in bondage. . . .

"The time to resist the encroachment of tyranny is in the incipient stage thereof. The Constitution of the United States says: 'Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof.' Our State constitution says: 'Ministers of the gospel, being by their profession dedicated to God and the care of souls, ought not to be diverted from the great duties of their functions; therefore, no minister of the gospel or priest of any denomination whatever shall be eligible to the legislature.'

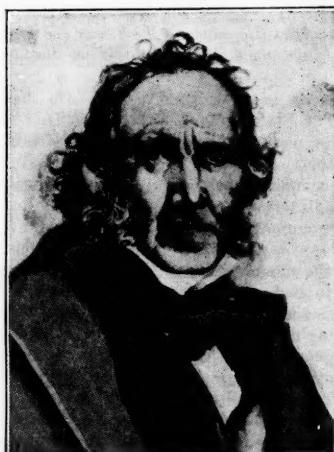
"The clause in our State constitution just quoted disfranchising clergymen I think is an abridgement of religious liberty. Had I been a member of the Constitutional convention, I should have not given it my support. It vio-

lates the very principle intended to protect, inasmuch as it recognizes the right to control the free enjoyment of religious belief by law. The men, many of them, that framed and voted for it, were smarting from the effects of the tyrannical acts of the Mexican priesthood, which was the cause, I have no doubt, that inspired the enactment.

"I wish to be understood in my remarks that I have no prejudice against the persons embracing the Catholic faith that would debar me from according to them the same rights due to any other denomination of Christians or any other religious creed.

"History teaches us that men composing all denominations of religious faith, when clothed with ecclesiastical and temporal power combined, have been tyrants.

"Now, any law made by the lawmaking power of the State, intended to regulate a person's religious or civil conduct on Sunday,



Samuel Houston

is in violation of the spirit of the Constitution of the United States, if not the letter. That clause was placed there by wise men; by men who had been careful students of history. They determined that their beloved country should not be the bloody battle ground of religious enthusiasts. They were not ignorant of the early colonial history,—a history that disclosed the fact that the New England colonists enacted and enforced laws compelling persons to observe and subscribe to a particular religious faith. Laws were enacted regulating all personal conduct on Sunday, which were so severe that people dared not prepare food for nourishment. They were compelled to prepare the traditional Indian pudding and baked beans on Saturday to be served cold on Sunday. It is asserted that laws declaring Sunday, the first day of the week, a day of rest, and to be unlawful for any person to do certain acts on that day, that are lawful on week days, is not in violation of the spirit or the letter of the Constitution, because it is necessary for the moral and physical good of man to rest one day out of seven.

"Let us suppose that the Quakers, the Jews, the Seventh Day Baptists, and others that believe that Saturday, the seventh day, is the day that God set apart as the day of rest and holy observance, should combine and get control of the legislative branch of the government, and should enact that all persons should abstain from labor, sale, or barter of goods, wares, or merchandise on that day, under pains and penalties affixed thereto. What do you suppose the religious people who believe that the first day of the week is the day that Christ ordained as a day of sacred rest, would say? Would they not all proclaim that such a law was a violation of the Constitution, because it, in effect, abolishes the Christian Sabbath, a day of rest and divine worship? They would rebel against the enforcement of such a law, and claim their rights guaranteed by the sacred enactments of the law of the land, which declares that the free use of religious worship shall not be prohibited. We must remember that this is a land of equal rights to the Jews as well as the Gentiles.

"The laws of Mexico, intended to prescribe and regulate a person's religious belief, were the first moving cause that inspired the Texas patriots to draw their weapons in defense of enlightened freedom and religious tolerance.

"The men that fought for and won her inde-

pendence dedicated her soil to be the abode and dwelling place of freedom of every kindred and tongue, coming from all nations, to enjoy, unmolested, as they may think proper, the religious views and customs taught them in their native land. Our friends, the Germans, are a class of immigrants I have made great exertions to secure. They purchase our lands and pay us cash. Some of them have settled on land that was considered unproductive without irrigation; through their skill and industry this dormant soil blossoms like the rose and brings forth immense treasures of wealth. When, in our distress, we beckoned these peaceable, intelligent, and hardy pioneers to our shore, we promised them an asylum of freedom.

"I never can give my consent to the passage of any law intended to regulate the manner in which they or any

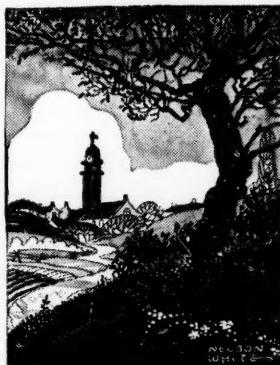
other class of people shall observe Sunday. Such an act would be in bad faith, and I not only refuse to advocate such a measure, but interpose my solemn protest. When a government like ours undertakes to declare certain acts of individuals unlawful, that a considerable portion thereof honestly believes to be an abridgement of their inalienable rights, it cannot be enforced, and is calculated to lessen the respect that citizens should have for the laws of their country. . . .

"With these observations I will give you my opinion of what I think would be proper legislation with reference to a day of rest. It would be proper for the legislature to declare it a penal offense for any person to disturb religious worship on Sunday or any other day; that no person, bond or free, should be compelled to perform any labor on Sunday except to enforce the criminal laws of the States. Such a law would protect the rights of all and work injury to none."

We print this speech because it is in perfect agreement with the ideals and principles of civil and religious liberty and the separation of church and state as set forth in the LIBERTY magazine from time to time.

Gen. Sam Houston was born near Lexington, Va., in 1793, and in his early career was closely associated with Jefferson, Madison, and other founders of

(Concluded on page 83)





*"I certainly was a fool, trying to make my subjects think alike about everything, when I can't even make these helpless clocks strike alike."*

**D**ID you ever pause to consider what a sorry world this would be if everybody thought alike about everything? Try it. Select the most ideal man or woman (still living) you can think of, and then imagine what would follow if every thought and action of every other human being were controlled by and reflected the thoughts and actions of your ideal.

What progress in art, industry, literature, politics, religion, science, or other lines could reasonably be expected from a single mind? One-man thinking would mean standing still in our tracks. It is clear that human progress demands great and still greater diversity of thought and action.

About four hundred years ago, Charles V ruled the Holy Roman Empire, an empire which included most of Europe. He was the most powerful monarch of his time. But he found the job of bossing a large section of the world a strenuous and troubulous occu-

## The Folly of Forcing People to Agree

pation. In his old age he retired to a monastery to rest his frazzled nerves.

There he amused himself by tinkering with clocks. He had a roomful of them. His pet ambition was to regulate them so that they would all strike at precisely the same moment, but despite his persistent and painstaking efforts he couldn't make them do it. Finally he gave it up, and philosophized as follows:

*"I certainly was a fool, trying to make my subjects think alike about everything, when I can't even make these helpless clocks strike alike."*

### The Intolerance of the Emperor

Now there are many today who have the same mania as had this emperor. They do not rule empires nor tinker with clocks, but they fret themselves into a state of bitterness, bad temper, and nervous prostration in their efforts to make their families, friends, neighbors, acquaintances, or the public generally, think as they do.

Families and friends wrangle, neighbors quarrel, others angrily contend in futile efforts to convince the other fellow that he is wrong and they alone are right. And in the end, each is convinced of but one thing,—that the government, society, business, or religion is going the wrong way unless his own pet theory, idea, or doctrine is unanimously accepted. This has been going on for ages, and yet government, society, business, and religion are all progressing nicely.

Friendships have been broken, families disrupted, and civil wars fomented because of differences in opinion on religion and polities. The blame does not lie at the door of religion and politics, nor in the diversity of opinions regarding them, but in the folly of trying to force all people to agree. It is the same old folly of trying to make the clocks all strike alike.

#### Seeing Around the Mountain

Regarding any matter upon which opinions differ, we are like dwellers at the foot of a big mountain. None of us can see all sides of the mountain, and those on one side have a very different view from those on the opposite side. So, instead of wrangling among ourselves as to whether the whole mountain is covered with trees or is bare of vegetation, or whether it is cut on all sides by rushing torrents or has no streams at all, how much better it would be to get together and compare notes from our different viewpoints.

The honest convictions of others should always be respected, even as we would have our own respected. This spirit of tolerance will bridge many chasms, level the rough places in our pathways, and lift us above the whirlwind of contention. It opens the window to the sunlight of harmony, it closes the door in the face of dissension, and lights the fire on the hearth of peace and happiness.—*L. R. M., in the Farm Journal, March, 1928.*



#### The Other Fellow in Religious Liberty

BY A. R. BELL

**T**HE writer could stand with theater owners and motion picture operators and baseball fans in their endeavors

for Sunday play, not because he is a baseball enthusiast, nor because he is a frequenter of the theater or motion picture house, but because the other fellow's rights are in danger. I must see to it that my conception of civil and religious liberty is broad enough to recognize the rights and privileges of the other fellow, whose privilege it is to attend the theater, or run a theater on Sunday, as it is mine to attend church on the Sabbath; and I must defend that man in his enjoyment of that right.

The question of an act performed on Sunday being a matter of money-making, or as it is termed "commercialism," has nothing whatever to do with the principle at stake. I do not consider that because a man runs a business on Sunday, and makes money by the doing of it, he belongs to the "realm of sordid selfishness."

One of the high lights in the decision of the Federal judges, who declared the compulsory school law of Oregon unconstitutional, says:

"The right to engage in a useful, legitimate business not harmful or vicious, is protected under the Fourteenth Amendment, and cannot be abrogated."

THE HONEST CONVICTIONS  
OF OTHERS SHOULD AL-  
WAYS BE RESPECTED, EVEN  
AS WE WOULD HAVE OUR  
OWN RESPECTED.

The business of a theater or a baseball park is recognized by the State as a "useful, legitimate business, not harmful or vicious." The carrying on of that

business involves "property rights." The decision referred to says further:

"There is a limit to the manner these [police] powers may be exercised by the State. They cannot be exercised arbitrarily and despotically. . . . Nor is the State legislature the final judge of the limitations of police power. Its enactments will be set aside when found to be unwarranted and arbitrary interference with the rights protected by the Constitution in carrying on a lawful business or occupation in the use and enjoyment of property."

"In other words, the exercise of police power

(Concluded on page 88)



*The Houses of Parliament From the Thames*

## A British Victory for Religious Freedom

THE Religious Liberty Association of Great Britain, being requested by the home secretary of the British government to submit its views on the subject of Sunday laws at the time the home rule bill was recently pending in Parliament, submitted the following statement to the home secretary and every member of Parliament, which undoubtedly contributed largely to the final passage of the bill by the British Parliament, giving the communities of England the privilege to determine what kind of Sunday laws, if any, shall govern their conduct on Sunday:

"1. The Religious Liberty Association, which stands primarily for the principle of freedom of conscience in matters affecting religion, declares that Sunday laws are a form of religious legislation, prompted by religious motives, and to serve religious ends, and that therefore their enforcement must lead to coercion of conscience and infringe the essential liberties of the people.

"2. The Religious Liberty Association holds that while majority rule may be necessary in civil affairs, it is wrong in religious matters,

### Why Sunday Laws Should Be Repealed

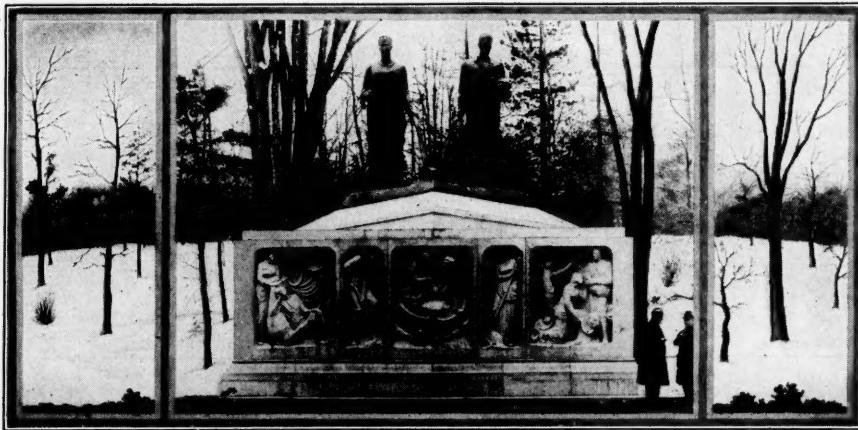
for history has demonstrated that right has oftentimes been found with the most persecuted minorities. Sunday laws are essentially an effort by a majority to impose its will upon an unwilling minority. They are, therefore, a definite form of religious persecution.

"3. The Religious Liberty Association respectfully suggests to His Majesty's Government that the present is an opportune time to repeal the existing religious Sunday laws. All parties agree that in many respects these Acts are hopelessly obsolete. Certainly much of their language is scarcely intelligible today, and their provisions are hardly less appropriate to the twentieth century. But more important still, these Acts belong to a dark and persecuting past, and are altogether unworthy of the happier, larger outlook of our modern times.

"4. During recent years our country has been moving gradually away from ancient controversies and has been burying such religious animosities as were represented, for instance, in the Roman Catholic disabilities. Surely it would be farcical to remove such disabilities from Roman Catholics, and lay others still more onerous upon the rest of the nation!

"5. The Religious Liberty Association submits that if any further legislation is considered necessary to prevent the laboring man being exploited or overworked, it should be provided

(Continued on page 28)



HERBERT PHOTOS

*Memorial to Early Settlers of New England in Elm Park, Worcester, Mass.*

## Pilgrim Fathers Lenient Toward Religious Offenders

IN consulting the Plymouth Records of the General Court, which have been accurately preserved after the date of January 1, 1632, we find that the first religious offense punished by the General Court was "for speaking profane and blasphemous speeches against the majesty of God."

The Plymouth Court Record of July 5, 1635, signed by William Bradford, governor, reads as follows:

"At this court, Thomas Williams, the servant of widow Warren, was accused for speaking profane and blasphemous speeches against the majesty of God, which were these: There being some dissension between him and his dame, she, after other things, exhorted him to fear God and do his duty; he answered, he neither feared God, nor the devil; this was proved by witnesses, and confessed by himself. This, because the court judged it to be spoken in passion and distemper, with reproof did let him pass, upon humble acknowledgment of his offense; though the governor would have had him punished with bodily punishment, as the case seemed to require."

This singular incident, recorded fifteen years after the Pilgrim Fathers

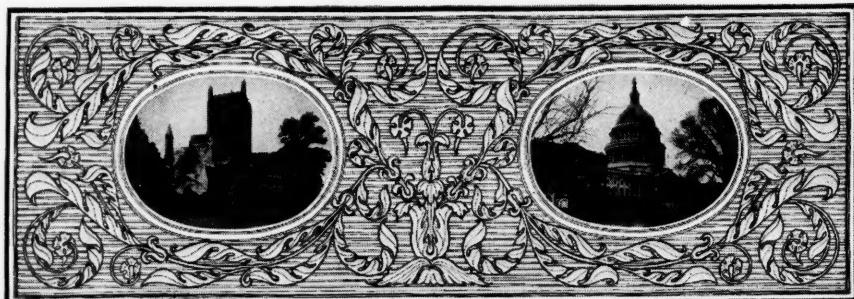
### From Plymouth Records of the General Court

landed on Plymouth Rock, and founded New Plymouth, and so far as the records show was the first religious offense brought before the General Court of Plymouth, shows the mild and amiable disposition of the Pilgrim Fathers toward those who committed religious offenses. In this respect, the Pilgrims far outshone the Puritans of Massachusetts Bay Colony, as the pages of this book clearly disclose. The Puritans were far more austere and severe, often meting out the death penalty for such offenses.

However, Governor Bradford, who was the head of the General Court at this time, seemed to partake more of the spirit of the Puritan in this case, as he stated in the record, which he evidently wrote himself, that he "would have had him punished with bodily punishment," whereas the court "let him pass" with a reproof.

The next religious offense, according to the Plymouth Court Records, brought before the General Court, was "for Sab-

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*The Church Wins by Love—The State Rules by Force*

## The Onward March of RELIGIOUS FREEDOM

THE cause of religious liberty has made considerable progress in separating church and state in America as well as in other countries in recent months. Not only have some State legislatures liberalized their drastic Sunday laws, but one legislature has actually repealed every Sunday law on its statute books. Many cities and towns have recently repudiated their Sunday laws under the public referendum plan—a home-rule privilege they now enjoy by a special act of the legislature. The public will be interested in the advancement that has been made along these lines.

The State of Wyoming, through its legislature, repealed all its Sunday laws, granting complete freedom of conscience in religious matters.

The Maryland Legislature passed a bill giving the cities of Baltimore and Hagerstown the privilege of a referendum on the Maryland Sunday law relative to Sunday amusements and recreations. Governor Ritchie signed it in the face of tremendous opposition from



the Lord's Day Alliance.

The Delaware Legislature passed a bill which allows swimming, golf, and tennis on Sundays in the environs of the city of Wilmington. Private but not public swimming and golf were allowed before on Sundays. Only the rich could enjoy recreation on Sunday.

A bill to prohibit fishing on Sunday in a limited area in the State of Alabama was killed in a legislative committee of the State legislature at the conclusion of a spirited hearing, where the political preachers clashed with the citizens of the State.

The senate of the Ohio Legislature passed a bill permitting Sunday movies by a majority vote of 23 to 1, and the house of representatives passed the same bill by a majority vote of 72 to 42. Both movies and professional baseball are now legal on Sundays as well as on all other days of the week. Certain religious forces put up a stiff fight to retain their strangle hold upon the legislature, but they went down in a smashing defeat. What Ohio wants to do is

to wipe all its religious laws from the civil statute books, and thus separate church and state.

The Texas Legislature enacted a law legalizing Sunday moving picture shows for the entire State of Texas, and a clause in the law forbids municipalities to ban Sunday shows or regulate their hours. Sunday shows were formerly forbidden under a law passed in 1871. The new law became effective May 14, when the governor signed the bill legalizing Sunday shows.

The house of representatives of the Pennsylvania Legislature, after a hard-fought battle between the liberals and the political preachers, passed the Sunday home rule bill on May 12, giving the communities the privilege of modifying or repealing the Sunday law of 1794, but it was killed by a senate committee. Governor Pinchot had declared that he would veto the bill if passed. The cause of religious liberty is, however, gaining ground in the Quaker State.

The District of Columbia is still free from the domination of a Sunday law, as the result of the defeat of a Sunday bill which had passed the United States Senate, but failed in its final passage in the House of Representatives.

California also defeated a Sunday law proposal which was submitted to the people on a State-wide referendum, at its last general election, by a majority of 833,393 votes. The legislature of California repealed all its Sunday laws more than forty years ago, and has steadfastly resisted every attempt to have these religious laws re-enacted.

The State legislature of Oregon also killed a Sunday bill in legislative committee, because the people of Oregon on a public referendum had repudiated the Sunday laws of the State of Oregon by an overwhelming majority.

The people of York, Nebr., on April 7, voted on a Sunday closing ordinance, and it was defeated by a majority of 503 votes.

The town of Preston, Idaho, by a majority vote, demanded that the city

council repeal the Sunday closing ordinance and permit Sunday shows.

The Trade and Labor Council, representing all the labor unions in the city of Chattanooga, Tenn., voted by an overwhelming majority in favor of Sunday movies and recreation.

A petition signed by 4,651 electors of the city of Lincoln, Nebr., requested the city council to allow miniature golf to be played on Sundays, which is now forbidden by a city ordinance.

The people at Fort Morgan, Colo., on March 17, voted on the question of closing the motion picture shows on Sunday. The bill was lost by a majority of 25 votes.

The city council of Worcester, Mass., the second largest city in that State, passed an ordinance allowing sports and amusements on Sunday after the citizens of Worcester voted in favor of recreation, 38,514 to 22,812 on a public referendum.

The city council of Baltimore, Md., recently repealed a city ordinance which prohibited the parking of vehicles in the streets of that city on Sundays. This ordinance was enacted before automobiles had come into existence. Driving an automobile on Sunday for pay or pleasure is prohibited under the present Maryland Sunday law.

Recently one branch of the Southern Baptist Convention went on record in Mississippi in favor of compulsory Bible reading in the public schools, while a similar branch of the same denomination in Virginia vigorously opposed the reading of the Bible in the public schools, and defeated a Bible reading bill before the Virginia Legislature.

The people of the city of Evanston, Ill., were recently given the opportunity of a public referendum, and a majority of the people voted in favor of Sunday amusements. Circuit Judge Phillip L. Sullivan ruled that the ordinance prohibiting the showing of moving pictures on Sunday was "religiously discriminatory, and therefore unconstitutional."

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ILLUS. LONDON "NEWS"

*Señor Alcalá Zamora, President and Prime Minister of the Republican Provisional Government of Spain,  
With Seven of the Ten Ministers of the Republican Cabinet*

## The New Republic of Spain Proclaims Religious Liberty

AS soon as the new republican government of Spain began to function, it issued a proclamation guaranteeing complete liberty of conscience in religious matters. This proclamation of religious freedom brought unbounded joy to the vast majority of the people of Spain. Another manifesto issued by the people's leaders stated that the people should have the privilege of electing their own rulers and officers, that equal justice before the law should be granted to all, and that property rights should be respected. This pronouncement also was hailed with great joy. Reports coming out of Spain state that the people as a whole have gone wild with joy over their new-found freedom.

On May 22, the cabinet of the Spanish Republic issued a decree for absolute religious freedom of worship for all creeds, of which the preamble and text are published in the newspapers, and read as follows:

THE TORCH OF LIBERTY IS TO  
ENLIGHTEN THE WORLD, NOT  
TO START FIRES.

—Detroit News.

"The underhand rigidity which was always attached to the exclusive juridical religious jurisdiction within Spanish constitutionalism, was slightly shaken by royal orders, dated June 10, 1910, but such a brief effort on the part of the then Liberal Government, presided over by Señor Canalejas, was ultimately strangled by underhanded work on the part of monarchist institutions.

"When the present Provisional Government assumed power and thus became the temporary organ of the supreme sovereign function, it declared it would stand for free religious conscience by establishing liberty for all creeds and worships.

"On raising the tolerance of creed by this new régime of absolute liberty, the present Government is very far from having the slightest intention to injure any religious feelings which hitherto may have enjoyed exclusive privilege in this country.

"Such feelings are worthy of the utmost respect on the part of the public power, but the latter also aims, and hereby solemnly declares it to be so, that in the present atmosphere of liberty all inborn feelings of citizens and confessional institutions which exist or may hereafter exist in the country should also enjoy the same respect and liberty.

"Nowadays it is one of the bases of international public law to fall in line with Eastern European countries in respect to acceptance of the system of freedom of creed as has been dealt with within the League of Nations.

"There is a graphic example in the case of the system which has been freely adopted by countries of recognized Catholic relevancy, such as Ireland, Poland, and Bavaria.

"Even Spain itself, forced by exigencies of reality, carries out in the Spanish possessions of Morocco a religious policy which is far more broad-minded than that which has been carried out in Spain proper. But in Spain we had been carrying out a policy utterly repugnant.

"The Catholics demand freedom of creed in countries in which there are state churches enjoying privileges or wherever the Catholic Church is faced with obstacles to its development.

"Freedom of creed is not only a regulating function in the internal life of a country, but it amounts to guarantees of respect in regard to development of civil life.

"For the foregoing reasons the president of the Provisional Government, with the assent of

his cabinet council and on the proposal of the Ministry of Justice, decrees as follows:

"ARTICLE I.—No person shall be compelled to declare his religious convictions in any official act in respect to services relating to the state. All military and civil servants will, therefore, abstain from demanding declaration of creed from any person or persons brought before them in any connection whatsoever, or from their subordinates or those working under them.

"ARTICLE II.—No person, whatever his official status or dependency on the state, shall be compelled to attend any religious ceremony, service, or function.

"ARTICLE III.—All creeds are free to practice worship, either privately or publicly, without any limitations whatever, other than those imposed by legal rules and the law of public order."

For centuries the people of Spain have been held in the grip of political and religious tyrants, who maintained their

(Continued on page 89)

**C H A R L E S  
W. B A L-  
L E N G E R , o f  
G l e n E c h o , M d . ,  
t w o m i l e s f r o m  
t h e c i t y o f**

Washington, who is a Seventh-day Adventist, was quietly working in his own house on Sunday, putting up nail holes on the inside of the windows and painting them, when a jealous neighbor informed the police that Mr. Ballenger was working on Sunday contrary to the Maryland Sunday law, which permits only works of necessity and charity to be done on Sunday.

The policeman called at Mr. Ballenger's home, and asked if he had been working. Mr. Ballenger told the police just what he had been doing, and he was immediately put under arrest and taken before a justice of the peace on Sunday, and bound over for trial before the Montgomery County Police Court at Rockville, Md. On the way to the justice of the peace, Mr. Ballenger and the policeman passed two men who were

## Religious Persecution Looms Again in Maryland

cutting and  
burning brush  
along the road-  
side, but they  
were not ar-  
rested.

The Glen Echo Amusement Park is just two blocks from where Mr. Ballenger lives, and it is open and operates every day during the summer. It employs forty men, who work every Sunday, but they are not molested, yet they violate the Sunday law every Sunday they work at this amusement park, entertaining for pay the multitudes who flock to this summer resort for pleasure.

Mr. Ballenger was tried before the police court on his Sabbath (Saturday), in spite of his earnest request for a trial on some other day than the one he observes as holy time. He was convicted and fined \$5 and costs. Through his attorney, M. C. Taft, one of the associate editors of this magazine, the case was appealed to the circuit court of Montgomery County, Maryland.

(Continued on page 90)



GILBERT STUART, ARTIST

Thomas Jefferson

IN 1768 three Baptist ministers were arrested in Virginia, charged with disturbing the peace, and denounced by a prosecutor, who bellowed out this indictment: "They cannot meet a man upon the road but they must ram a text of Scripture down his throat." Their arrest and trial on what appears to us to be only a flimsy pretext for ill-disguised bigotry was, however, in the strictest accord with both the letter and the spirit of the law, by which the statute books of Virginia were constituted mentors of things religious.

According to their provisions, civil service and political privileges were denied to those who held doctrinal positions contrary to the dogmas of the Established Church according to their definite specifications, children of Unitarian parents could be legally removed from their homes and intrusted to any Trinitarian, quite regardless of his moral and mental qualifications for the assuming of this responsibility. To deny the doctrine of the Trinity was a major crime, punishable with imprisonment of three years. A penal sentence awaited those parents who refused to have their children baptized, and those who lived in open and unrestricted heresy could be burned alive.

But the Dominion State was not isolated in its religious prejudices and in its opposition to religious

\* Address delivered at the University of Virginia at Charlottesville, Va., Aug. 9, 1930.

# The Jeffersonian RELIGIOUS

By

Walter A. Maier

freedom as we enjoy it today. Nowhere in America was there a comprehensive provision by which any colony granted unqualified freedom of religion to all its subjects. In Massachusetts the law demanded compulsory attendance at church and civil support for ministers. Dissenting Christians were exiled, and that heresy was regarded as a civil crime, in practice as well as in theory, may be seen from the fact that the Rev. Henry Dunster, first president of Harvard College, "was indicted by the grand jury, convicted of breaking the peace, sentenced to receive public admonition on lecture day, and put under bonds for future good behavior because he had preached against infant baptism." It was not until 1833 in Massachusetts, that eminently progressive State, that church and state were completely separated. The attitude of the other colonies differed only in degree, but hardly in principle. The second constitution of South Carolina declared Protestantism to be the established religion of the State, and insisted that its chief officers believe in a future state of rewards and punishments. North Carolina and Pennsylvania made the acceptance of the inspiration of the Old and the New Testament a qualification for office. Even in Maryland religious liberty was granted only to those who believed in the deity of Christ.

And beyond the confines of this country, in France, for example, the Huguenots were still some decades away from the edict that permitted them to beget legal children and to die with equal legality, but which did not give them permission to think, to speak, or to worship with that freedom which today is an inherent right of every American.

In England the denial of the divine inspiration of the Bible could be punished by the boring of a red-hot poker through the tongue of the skeptic.

Now, those three Baptist ministers, three representatives of a long line of protest that was beginning to assert itself with indomitable persistence, were defended by that ardent apostle of human liberty, Patrick Henry. In his speech in their behalf the forensic Virginian stood up before the court and said:

"If I have rightly understood, these three inoffensive persons have been arraigned for a crime

# sonian Ideals of OUS LIBERTY

By

A. Maier, Ph. D.\*

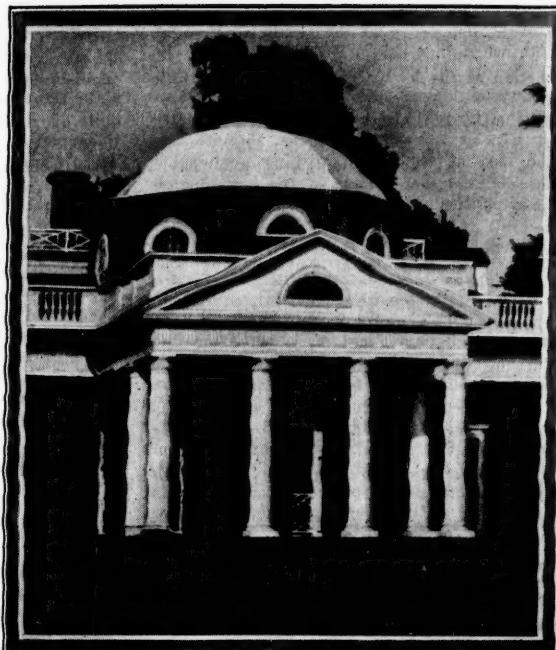
of great magnitude—as disturbers of the peace. May it please the court, what did I hear read? Did I hear it distinctly, or was it a mistake of my own? Did I hear that these men whom your Worships are about to try for misdemeanor are charged with—with—with—what? . . . With preaching the gospel of the Son of God."

The conclusion of Patrick Henry's appeal is equally classic:

"From that period when our fathers left the land of their nativity for these American wilds,—from that moment despotism was crushed, the fetters of darkness were broken, and Heaven decreed that man should be free, free to worship God according to the Bible. In vain were all their sufferings and bloodshed to subjugate this New World if we, their offspring, must still be oppressed and persecuted. But may it please your Worships, permit me to inquire once more, for what are these men about to be tried? This paper says: 'For preaching the gospel of the Saviour to Adam's fallen race.'"

But even if the oratory of Patrick Henry could help to sway the decision in this case, it required something more definite to remove such preposterous provisions forever from the legislation of Virginia, and to make the America that was soon to enter its battle for civil liberty safe for religious liberty. To have accomplished this herculean task, to have defeated the organized opposition fostered by the clergy of the Established Church in Virginia, and to have inspired the framers of the Constitution with the courage and determination required to have them embody in this document the principle that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof,"—all this is the imperishable distinction of him whose cherished memory is being commemorated this evening and who, as his self-chosen epitaph immortalizes, regarded as one of the greatest accomplishments of his great career and as an achievement which he ranked parallel to his authorship of the Declaration of Independence and the founding of the University of Virginia—his authorship of the Statute of Virginia for Religious Freedom.

We pause to remind ourselves that Thomas Jefferson's was not the first voice in history to be raised for the proper and proportionate evalua-



Thomas Jefferson's Home at Monticello

tion of the respective spheres of church and state. As far back as 1656 in England Sir Henry Vane, the voice of one crying in an unsympathetic wilderness, had insisted that—

"Every one might give an account of himself in all matters of God's worship unto God and Christ alone, . . . not in these things to be oppressed or brought before the judgment seats of men."

And two long centuries and a half before Jefferson's time a group of princes, assembled in historic Augsburg, in the effort to establish a unified church, laid down this fundamental proposition, unique in its clarity and surprising in its modernity:

"Seeing, then, that ecclesiastical power concerneth things eternal and is exercised only by the means of the Word, it hindereth not the political government any more than the art of singing hinders political government; for the political government is occupied about other matters than is the gospel. The magistracy defends not the minds, but the bodies and bodily things against manifest intruders, and coerces men by the sword and corporal punishment that it may uphold civil justice and peace. Wherefore the ecclesiastical and civil powers are not to be confounded."

Small wonder that an enlightened world in which these principles have found application, pauses after four long and eventful centuries to pay its tribute to the spirit of Augsburg by sending representatives from practically every civilized people of the earth

in grateful memory of the events of June 25, 1530, when men again hearkened to the injunction of the lowly Nazarene: "Render unto Caesar the things which are Caesar's, and unto God the things that are God's." It is therefore not without intense significance to note that "the idea of legally establishing unalienable, inherent, and sacred rites of the individual is not of political, but religious origin,—in reality the fruit of the Reformation and its struggle." (Jellinek, 75.)

But it was Jefferson's task to give the first practical and systematic demonstration of these principles. This he did, first of all, through his Bill for Religious Freedom, which after nine years of bitter struggle was finally passed as the first detailed law in all human ordinances giving perfect freedom of conscience. This he did in the larger activities of the national policies by his systematic and unintermittent avowal of a program of religious liberty, the successful completion of which has made him the greatest political exponent of religious freedom in all its consequences.

We are not assembled this evening to investigate Jefferson's religious convictions; nor would he countenance any such investigation. To him—and I interrupt to eradicate the picture of Jefferson as an atheist or agnostic—religion was a matter of personal conviction, a sacred *concordat* existing between the individual and his Maker, and as such infinitely exalted above the possibility of prying investigation and carping criticism on the part of others. We may not share his religious convictions. I certainly do not. But, I repeat, we are concerned about Jefferson the American rather than Jefferson the religionist; Jefferson the statesman rather than Jefferson the sectarian.

Viewed in this way, the one consuming ideal of religious liberty is the fundamental thesis that there can be no tyranny over the conscience of men. He swore, as he himself emphatically avowed, "upon the altar of God eternal hostility against every form of tyranny over the minds of men." He elaborated upon this principle frequently and at considerable length, and in his "Notes on Religion" he gives a homely and practical illustration of this position:

"No man complains of his neighbor for ill management of his affairs, for an error in sowing his land or marrying his daughter, for consuming his substance in taverns, pulling down, building, etc. In all these he has his liberty; but if he do not frequent the church or there conform to ceremonies, there is an immediate uproar. The care of every man's soul belongs to himself. But what if he neglect the care of it? Well, what if he neglect the care of his health or estate, which more nearly relate to the State? Will the magistrate make a law that he shall not be poor or sick? Laws provide against injury from others, but not from ourselves."

Jefferson was opposed in principle to every act of intermeddling—or even any suggestion of it—according to which the state would regulate the affairs of the church. Now, it was quite inevitable, because of the historical environment of patronage extended to the Established Church of Virginia (in which Jefferson was born, and in which, here at Charlottesville, he was not only a pledged vestryman, but also such an ardent supporter that, when the local congregation, outgrowing the cramped quarters of the little courthouse, decided to erect a new edifice, it was the versatile Jefferson who drew the plans for the new structure),—it was quite unavoidable, I repeat, that Jefferson's first revolt against the accepted order of things ecclesiastical should direct its shafts against the intervention of the state in the religious expression of its subjects. In the scathing denunciation of every overt or suggestion which even remotely conceded to the state as much as a veiled form of interference in the spiritual life of its citizens, Jefferson has unquestionably adopted the most consistent and detailed program for the complete and definite divorcing of the functions of the church from those of the state that was ever conceived and put into operation up to his time. This program, with striking and consistent logic, is based on the fundamental premise which he expressed in one of his letters:

"I have considered religion as a matter between every man and his Maker, in which no other, and far less the public, has a right to intermeddle."

Jefferson's adherence to this principle was so rigid and inflexible that he not only steadfastly refused to discuss his religious convictions with others, telling one of the lurid and professional biographers of his day: "Say nothing of my religion. It is known to my God and myself alone. Its evidence before the world is to be sought in my life;" but he also did not shrink from the very logical consequence of refusing to follow the practice of Washington and Adams in issuing presidential proclamations for Thanksgiving festivals and days of fasting and repentance, a custom which, especially in reference to Thanksgiving, has been perpetuated until today, although in the strictest analysis we must unhesitatingly concede that Jefferson's position is eminently the more consequent.

With consistency in such details, we may well anticipate that the broader principles of complete separation of the state from the functions of the church are expressed with unequivocal precision. Jefferson demands, as a corollary of the right of every individual to worship God according to the dictates of his conscience, that the state shall not compel any one to attend a church, that no one shall be forced to contribute to the maintenance of any religious organization or institution, and that there shall be no official

preference according to which the civil rights of the individual are to be restricted or increased because of his religious belief. Public safety and convenience may, of course, under the stress of abnormal circumstances, suspend the application of some of these principles, as Jefferson admits in his "Notes on Religion," where, with the practical application that characterizes his argumentation, he says:

"It is ordinarily lawful to kill calves or lambs, they may therefore be religiously sacrificed. But if the good of the state required a temporary suspension of killing lambs, as during a siege, sacrifices of them may then be rightfully suspended also."

He admits, too, the governmental separation from religious affairs may never become a mantle of lawlessness. He states:

"Whatsoever is lawful in the commonwealth or permitted to the subject in the ordinary way, cannot be forbidden to him for religious uses; and whatsoever is prejudicial to the commonwealth in their ordinary uses and therefore prohibited by the law, ought not to be permitted to churches in their sacred rites. For instance, it is unlawful in the ordinary course of things or in a private house to murder a child. It should not be permitted any sect, then, to sacrifice children."

But beyond such natural and self-implied limitations he admits of no restriction of personal liberties of the individual in his religious life, no interference on the part of the government, local, State, or Federal, in the exercise of religious functions. He did not believe, as he himself summarized the situation, that it was "for the interest of religion to invite the civil magistrate to direct its exercises, its disciplines, or its doctrines."

(To be concluded in next issue)

### **Speech of Sam Houston Opposing State Regulation of Sunday Observance**

(Concluded from page 71)

the American Republic, which accounts for his clear vision of religious liberty principles so ably set forth in this speech. The great majority of the founders of this Republic were ardent advocates of the total divorce of civil government from religious functions. They had seen the baneful consequences of religious establishments administered by civil authority. Sunday observance is a religious function and a religious dogma, peculiar only to certain religious sects. To enforce Sunday observance under the penal codes of the

States, means religious persecution for dissenters, and a flat denial of the guarantees of religious freedom to American citizens, and of equality of all men before the civil law and the bar of justice.

C. S. L.



### **The Fight for Religious Liberty in the State of William Penn**

(Continued from page 69)

state. The state cannot properly operate in this realm without invading the domain of God and the citadel of the soul of man. The last six commandments of the decalogue can be enforced by the civil government only in so far as they pertain to the overt acts that are actual invasions of the rights of man, irrespective of what man's offenses are against God."

Quite a full account of the above was published in the Philadelphia *Record* of March 18, 1931.

The Philadelphia *Inquirer* stated that Mr. Longacre "appeared to have the better of the argument" in his contention "that lawmaking bodies cannot enact statutes to enforce the laws of God."

One hundred seventy-six different organizations presented petitions demanding the repeal of the Sunday blue law of 1794. One organization alone presented a petition containing 360,000 signatures of citizens of Philadelphia, calling upon the legislature to repeal this antiquated law. However, the Law and Order Committee killed the home rule bill in the committee by a vote of 16 to 9. The house of representatives then took the matter into its own hands, and forced a vote on the issue, and passed another home rule bill by a majority vote, but not a constitutional majority, of all members of the house.

It was the first time in the history of Pennsylvania that the liberal forces were able to marshall a majority in the legislature in favor of their program. The religious forces which believe in a religion by law were taken by surprise, and they have seen the handwriting on the wall that they are "weighed and found wanting."

The liberal forces are organizing for

ultimate victory in a future conflict, which will make the State of William Penn the State he intended it to be, free from ecclesiastical domination in the civil realm.

■ ■ ■

### "An Act of God"

**T**HIS is a legal phrase coined back in the days when church and state were united, and when public officials pretended to know the mind of the Almighty on all subjects. In those days the church and State officials acted in the place of God, and judged men for offenses committed against God and religion. When an accident occurred as the result of a storm, lightning, flood, or an earthquake, the responsibility of the act was laid upon God and the liability of man was strictly limited.

Christ, as recorded in the New Testament, clearly indicated that accidents which occur as the result of natural forces, should not be imputed to God nor regarded as judgments sent upon sinners. God has reserved a day in which He will judge unrepentant sinners for their ungodly deeds.

Some different legal expression should be devised in those governments where an attitude of strict neutrality is maintained upon the question of religion. We would suggest as a substitute legal phrase, "An Act of Natural Forces." No one knows the mind of God, and we should not impute to God the responsibility of the killing of hundreds and often thousands of innocent persons, when the fortuitous forces of nature produce these accidents.

Let us eliminate religious phrases, as well as religious guilt, from our legal language and civil statute books.



God showers His blessings alike upon the good and upon the wicked in this life, in the hope that His goodness may lead the wicked to repentance.

THE best civil government on earth seeks to regulate human affairs only.

### Pilgrim Fathers Lenient Toward Religious Offenders

(Continued from page 75)

bath breaking." This was on October 4, 1636, when Edward Winslow was governor of the New Plymouth Colony. The Court Record is very brief, and reads as follows:

"John Barnes, for Sabbath breaking, for which he was fined 30 shillings, and to sit an hour in the stocks.

"Also Edward Holman, for the same offense, fined 20 shillings, though not guilty in so high a degree."

Just what the nature of this offense of "Sabbath breaking" was, the record does not disclose. It might have been for drunkenness or some other civil offense.

The next religious offense recorded was for transporting a bark "on the Lord's day." On this occasion William Bradford was governor again and seated at the head of the General Court, January 2, 1637. The Court Record of this case is very brief, also, and reads:

"Presentment by the Grand Jury: We present Richard Knowles for bringing a bark from Greens Harbor on the Lord's day. Acquitted. Discharged."

Up to this date the Pilgrim Fathers had shown great leniency toward all religious offenders. But in the year 1638 the Grand Jury presented another case in which the General Court was not as lenient. The Court Record of June 5, 1638, reads as follows:

"Presentment by the Grand Jury: Web Adey is presented for working upon the Lord's day in his garden. Witnesses, Josias Cooke, Mr. Raph Smyth.

"Web Adey, being presented for breach of the Sabbath, as above, by working two several Sabbath days, one after another, and for disorderly living in idleness and nastiness, is censured by the bench to sit in stocks during the pleasure of the bench, and that if he cannot procure himself a master that will take him into his service betwixt this and the next Court of Assistants, that then the Governor and Assistants provide a master for him; and for the convenient apprelling of him to be fit for service, either to let or sell his house and garden to any that will either take or purchase the same."

In the margin opposite this case are recorded the words: "Censured and Whipped."

It is very apparent in this case that Web Adey was punished, not so much for working in his garden on Sunday, as "for living disorderly in idleness and nastiness." It was not exclusively a religious offense, but also civil offenses which he had committed.

The Court Record of July 7, 1638, just a month later, however, discloses that this same Web Adey was again brought before the court for "profaning divers Lord's days." The Court Record reads as follows:

"Web Adey was proved to have profaned divers Lord's days by working sundry times upon them, and had been for the like offense formerly set in the stocks, and was now again found guilty thereof; was censured to be severely whipped at the post, which was accordingly performed."

At this time Thomas Prence was governor, and Web Adey was his servant, made so by the court at the previous session. In this case Governor Prence, who sat at the head of the court, pronounced judgment upon his own servant. There might have entered some personal revenge in this case.

The next case brought before the General Court was an indictment by the Grand Jury for "drawing eel pots on the Lord's day." This case was presented to the court, with Governor Bradford on the bench, December 1, 1640, and the record reads as follows:

**"Presentments:**

"Marke Mendlowe discharged of his presentment in regard it appeared to be done of necessity merely—drawing eel pots on the Lord's day."

The Puritans were not so liberal. They forbade all manner of fishing on Sunday.

On August 29, 1643, the General Court of New Plymouth Colony created military establishments to be maintained by the towns of Plymouth, Duxburrow, and Marshfield, and the court issued the following order relative to the military exercises of these military companies:

"1. That the exercises be always begun and ended with prayer.

"2. That there be one procured to preach to them a sermon once a year, viz., at the election of their officers, and the first to begin in September next."

Nothing appears in the Plymouth Colony Records about religious matters until July 7, 1646, when the General Court, just before it adjourned to meet again on the 20th day of next October, made the following entry upon the Court Record at Governor Bradford's suggestion:

"Memorandum: That something be done to maintain the liberties of the churches, without intermeddling or wronging each other, according to the statute of England, that they may live in peace."

The record does not show what the trouble between the churches was at this time, but later records reveal that many of the Puritans were settling in the Plymouth Colony, and in time they outnumbered the Pilgrims. Evidently the Puritan churches were encroaching upon the liberties of the Pilgrim churches. The Puritan churches in New England were known as the Congregational churches and the Pilgrim churches as the Separatist churches. The Puritan churches were very illiberal and intolerant toward all other churches, while the Pilgrim churches were quite liberal and tolerant toward other denominations.

**Profanation of the Lord's Day**

On June 6, 1649, the Grand Jury made the following presentment:

"We present John Shaw, Jr., for profaning the Lord's day for attending on the tar pits.

"John Shaw was sentenced by this Court to sit in the stocks for this, which accordingly was executed."

The Grand Jury on this same day made another presentment as follows:

"Also we present Steven Bryant for carrying a barrel to the said pits on the Lord's day."

The Court Record entry of the findings in this case states:

"Steven Bryant, with admonition, is cleared."

But later on this entry is found on the Court Record concerning the above

eases on the profanation of the Lord's day:

"This Court, John Shaw, Jr., and Steven Bryant were presented for profanation of the Lord's day, they likewise traversed their presentments, and were found guilty and sentenced, as on the other side this leaf is specified."

It would appear from this record that they were sentenced for traversing their presentment rather than profaning the Lord's day. As was seen on a previous occasion the court cleared a man for doing a similar work on the so-called Lord's day.

On June 5, 1650, the Grand Jury made the following presentment:

"We present Edward Hunt, of Duxburrow, for shooting on the Lord's day at deer."

The Court Record shows that he was released upon paying "a fine of two shillings," evidently covering costs.

#### An Interesting Case

The Court Record of the Plymouth Colony on the date of October 2, 1650, contains the following interesting presentment:

"Presentments by the Grand Inquest: October the 2d, 1650. We, whose names are hereunder written, being the grand inquest, do present to this Court, John Hazaell, Mr. Edward Smith and his wife, Obadiah Holmes, Joseph Tory and his wife, and the wife of James Man, William Devell and his wife, of the town of Rehoboth, for the continuing of a meeting upon the Lord's day from house to house, contrary to the order of this Court enacted June the 12th, 1650.

Tho. Robenson, Henry Sampson, John Croker, Henry Howland, John Tisdall, Robert Sharp, Ephraim Kempton,	Tho. Cooper, Tho. Burman, Edward Jenkens, Robert Wixon, Tho. Falland, Andrew Ring, Gorg Buit."
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The Court Record does not show what was done with this case. The court evidently dropped the matter. These parties may have been Quakers, as it was just about this time that the Quakers were making their first appearance in New England, and they were in the habit of holding their meetings "from house to house."

#### Traveling Upon the Lord's Day

On March 4, 1651, the Grand Jury made the following presentment against traveling on the Lord's day:

"We present Gowin White and Zacharie Hick, of the town of Scittuate, for traveling from Weymouth to Scittuate upon the Lord's day."

The Court Record states, "This was cleared," and the record is in the handwriting of Governor Bradford.

On October 7, 1651, the Grand Jury made the following interesting and perplexing presentment to the General Court of Plymouth:

"We further present Ralph Allen, Sr., and his wife, George Allen and his wife, William Allen and Richard Kerbey, Peter Gaunt and his wife, Rose Newland, Edmond Freeman, Sr., and his wife, Goodwife Turner, and widow Knott, all of the town of Sandwidge, for not frequenting the public worship of God, contrary to order made the 6th of June, 1651."

The Court Record entry made by Governor Bradford states:

"These were referred to conference and further consideration."

It is very apparent that the Puritans after the year 1650 were obtaining control of the Pilgrim Colony of New Plymouth, and being in the majority, they influenced the making of the religious laws which appear upon the statute books from this time forth. Governor Bradford, as head of the General Court, continued to use his influence to temper the findings of the Grand Jury, most of whom were of the Puritan faith by this time.

This same Grand Jury of October 7, 1651, presented another indictment as follows:

"We further present Elizabeth Eddy, Sr., of the town of Plymouth, for laboring, that is to say, for wringing and hanging out clothes, on the Lord's day, in time of public exercise."

Governor Bradford made the following entry in the Court Record as to the findings in this case:

"Fined ten shillings; but sentence remitted."

This shows clearly where Governor Bradford personally stood upon this question of Sunday legislation and the

State's inflicting penalties for the non-observance of religious institutions.

This same Grand Jury on this same date presented another indictment, as follows:

"We further present Arthur Howland, of the town of Marshfield, for not frequenting the public assemblies on the Lord's days."

Governor Bradford again made the following entry in the Court Record in the findings of this case:

"Referred the conference, and further admonished to labor to walk inoffensively."

On March 2, 1652, the Grand Jury presented the following indictment:

"We further present Abraham Peirse, of the town of Duxburrow, for slothful and negligent spending the Sabbath, and not frequenting the public assembly."

Governor Bradford made the following entry in the court record:

"The court saw reason to excuse him for present, but sentence cleared, with warning to amend."

Governor Bradford did his best to maintain religious liberty in the Plymouth Colony, but shortly after this date the Puritans in the Plymouth Colony really enacted and executed the laws, completely nullifying the ideals of the Pilgrim Fathers concerning religious liberty.

On June 3, 1652, the Grand Jury presented the following indictment:

"We further present Henry Clark and Thurston Clark, Jr., of Namassakeesett, in the liberties of Duxburrow, for not frequenting the public assemblies on the Lord's day."

Governor Bradford again made the following entry in the Court Record:

"Freed, with admonition to amend."

George Russell, of the same place, was indicted for the same offense, and Governor Bradford again states that the court "freed him with admonition to amend."

On March 7, 1654, the Grand Jury presented the following indictment to the court:

"We present Josias Hallott and Thomas Gage for profaning the Lord's day by putting forth

to sea out of Sandwidge Harbor upon the Lord's day."

Governor Bradford made the following entry in the Court Record:

"Fined according to order. This presentment was cleared at the court held at Plymouth the eighth of May, 1661."

In looking through the Plymouth Colony Records after this date, we find that on June 20, 1654, a court order was issued, signed by Governor Bradford and his court assistants, that "willful profaning of the Lord's day to be punished according to the discretion of the assistants."

Time and again the Court Records show that the Grand Jury brought indictments before the General Court for the most trivial things that were done on Sunday, contrary to their notions, but as long as Governor Bradford was at the helm, the findings of the Court Record in these cases repeatedly state:

"Fined, but fine remitted."

The employment of legal force in religious matters seemed to be repulsive to Governor Bradford and the Pilgrim Fathers. But the Puritan influence and majority in the Plymouth Colony a little later changed the entire aspect of the Plymouth government and finally absorbed it completely.

(The above information was gleaned from the "Plymouth Colony Records," Vols. I, II, III, IV.)



### The Other Fellow in Religious Liberty

*(Continued from page 73)*

is subject to judicial review, and property rights cannot be ruthlessly destroyed by wrongful enactment.

"The right of the individual to work and earn a livelihood may not be prohibited."

As to "innocent amusements," such as golf, tennis, and other noncommercial sports, it is not a matter at all to draw the line, whether you pay or whether you don't. All this is covered by the Fourteenth Amendment to the Constitution.

"The rights involved are vital and fundamental. They are inherent and not derivative. These natural rights existed before constitutions were made; and they will exist after constitutions are dissolved; they are not created by constitutions, but certainly secured by them."—*Argument of Mr. Kavanaugh before the United States Supreme Court on the application of the Fourteenth Amendment to useful and lawful occupations.*

The rights of the other fellow demand that we should be in the forefront of the fray to overthrow Sunday laws, not because the sporting and other elements are doing the same thing, but because it is right that we should do it. Most of the others, it must be admitted, act their part from the standpoint of policy, but the man who loves liberty for the other fellow as well as for himself, does his part from the standpoint of principle.

This blessed doctrine of religious liberty is one of the mountain peaks of faith which, if loved and lived up to, will fill men with the spirit of Him who said, "If any man hear My words, and believe not, I judge him not: for I came not to judge the world, but to save the world." John 12:47.



### A British Victory for Religious Freedom

(Continued from page 74)

without any tampering with the religious aspect of the case. All that is necessary is an Act to prohibit any person's working more than six days without one day's rest, leaving the individual to settle the religious aspect of the matter himself by choosing his own rest day.

"6. Should a new Sunday law be prepared, it should include the most careful safeguards against domination by religious majorities. History demonstrates how cruel such majorities can be. All persons desiring to keep some day other than that observed by the majority should be at perfect liberty to do so. Those who observe the sixth day or the seventh day should be free to do on the first day whatever the Sunday keeper is free to do on these other days. Whether Sunday or Saturday should be observed as a Sabbath is a matter of conscience and interpretation of Scripture, and should be left absolutely to individual choice. It is certainly not one upon which it is either wise or just for the civil government to adjudicate.

"7. The Religious Liberty Association holds

that the cause of religion is best served when it depends absolutely upon spiritual resources, and does not call the state to its assistance. A police-supported religion is a menace to any community. A religious institution that must depend for its existence upon fines and imprisonment is not of much spiritual value.

"8. The Religious Liberty Association further considers that the proposal to transfer the responsibility of decision on the matter from Parliament to borough councils is fraught with grave perils. There are many places where extreme bigotry would dominate. A courageous and large-hearted treatment of the matter by Parliament would be eminently more satisfactory.

"9. For these reasons the Religious Liberty Association requests His Majesty's Government:

"a. To repeal the existing religious Sunday laws.

"b. To avoid, in future legislation for the prevention of exploitation of the workingman, any reference to the religious aspect of a weekly rest day, giving instead absolute freedom to every citizen to act in the matter according to the dictates of his own conscience.

"c. To protect the minorities who may choose to rest upon a day other than that observed by the majority."

The British people believe in justice, liberty, and fair play. When the highest court of Great Britain in a recent decision revived the antiquated Sunday blue law of Great Britain, enacted by Parliament in 1781, which not only prohibits all except religious acts on Sunday, but also requires church attendance on Sundays, the British people decided the time had come to do something about the matter.

Accordingly a movement was started for the repeal of this ancient religious law. A bill was introduced into Parliament, granting municipalities and local government units the privilege of determining for themselves whether this Sunday law should control their conduct in the future. The real issue at stake was Sunday recreation. For many years Great Britain has enjoyed all kinds of Sunday recreation—sports, theaters, and movies. The Sunday law forbade all these, and now the British Parliament, by a goodly majority, voted that the people of Great Britain shall have the right to make legal what the high court re-

cently told them was illegal on Sunday. We shall watch with interest what the verdict of the British people is going to be in the various communities on this much-agitated subject.

The spirit of religious liberty is hard to down. It is determined to assert itself whenever it is assailed. A religious oligarchy cannot forever dominate the majority in religious matters under the penal codes.



### **The Onward March of Religious Freedom**

*(Concluded from page 77)*

In his decision he further held "that persons of faiths celebrating the Sabbath on days other than Sunday had the right to six days of amusement."

Recently the police department of Belize, British Honduras, issued a general order that all ice-cream saloons, restaurants, and barber shops must suspend business on Sundays. It created a great stir among the populace, and in order to regain popular favor, the police department rescinded the order at high noon on Sunday after the law had been enforced for half a day on Sunday. The police department evidently misjudged public sentiment upon this question. Unless a law is backed by public opinion, it cannot be enforced.

The House of Commons in the English Parliament recently voted, by a good-sized majority, to submit the Sunday laws of England, enacted in the days of Charles II, and still on the English statute books, as well as on the statute books of some of the older American States, to the people of the several communities on a public referendum. The old English Sunday law forbids all labor and work on Sunday, except those of necessity and charity, it prohibits all diversions and amusements of every kind, and actually still requires everybody to attend the worship of the Established Church on Sundays. The home rule proposition seems to be gaining favor

in both British and American legislative bodies on the Sunday law issue.

The new republic of Spain has also caught the spirit of religious liberty, and has definitely set its hand to the task of separating church and state in that country. Logically there is no room for kingly nor priestly domination in a republic.

It is with much satisfaction that we note this onward march in favor of the cause of religious freedom in this country as well as in other countries. Considerably more progress needs to be made in many countries and in many States, before the people are free to worship or not worship God in harmony with the dictates of the conscience of the individual. Unless these religious laws are utterly repudiated and repealed by the people, their religious freedom may be fettered with the chains of an ancient tyranny which can readily be revived. Let us hope that the church and state may be completely divorced everywhere, so that civilization and freedom may march forward in orderly fashion, unshackled and unmolested.



### **The New Republic of Spain Proclaims Religious Liberty**

*(Continued from page 79)*

power and dominance by sheer legal and military force. The minister of the interior issued a statement that the new republican "government has absolutely no intention of confiscating church land, as was done in Mexico," although, continues the statement, "this government will insist that a separation of church and state take place."

A large per cent of the clergy are now paid by the state, the church receiving also other subsidies. Much of the church property and lands was given to the church by the state from public funds. The latest reports out of Spain indicate that unruly mobs have ruthlessly destroyed much valuable church property. This is to be lamented. Such reactions

are common in those countries where ignorance and superstition have been encouraged by the religio-political leaders in order to hold the masses more completely under their arbitrary dominance and authority. The reaction is in proportion to the restrictions imposed.

The art of self-control is not learned in a moment. An intolerant and oppressive church and state union always leads to an infernal reaction. The church and state in Spain had its Inquisition in its heyday, when this combination exercised absolute power and authority over the consciences of all dissenters from the established religion. It is a long road that has no turning. Every church and state inquisition ultimately produces a retributive inferno.

How fortunate it would have been for the professed followers of Jesus Christ if they had always heeded His sermon on the mount, in which He admonished and warned them as follows: "Judge not, that ye be not judged. For with what judgment ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again."

It is an unfailing law that we must not only reap what we sow, but more abundantly. We are paid back with the same kind of coin we pay out. One thistle seed produces ten thousands of its kind. When we sow to the wind, we reap a whirlwind. Would that the church might learn the lesson to keep out of polities, and never to employ civil force in religious matters. It may appear profitable to obtain state aid for the church at the time the gift is bestowed, but it must be remembered that a reactionary government may come into power, which may forcibly seize the former gift, and leave the church in a worse situation than if she had never accepted the gift from the state. Beware of state gifts, for what the state can give it can take back.

The political church may have her triumphs; but just as surely as the night follows the day, her temporal power and earthly glory obtained by carnal means

and methods, will be turned to retributive shame and bitter humiliation when she reaps the harvest of her own seed sowing. Why any church should try this political experiment, in the face of repeated failures, is beyond our comprehension. The evil results of a union of church and state have always been the same, no matter who the votaries or how sincere the purpose.



### **Religious Persecution Looms Again in Maryland**

(Continued from page 79)

The case was brought up before the circuit court on March 30, 1931. Judge Robert B. Peter refused to consider it, and denied the right of appeal, stating that no case could be appealed from the decision of the county police court where the fine was less than \$10. Mr. Taft and Mr. Welsh, the defendant's attorneys, then raised the constitutional question of the Maryland Sunday law, which was enacted in 1723, and stated that they wanted a trial by a jury, which in the State of Maryland is the judge as to both the facts and the law. But Judge Peter also denied this request, and the judge then read the entire opinion of the Maryland Court of Appeals, the highest court in the State of Maryland, on the Judefind case—that of another Seventh-day Adventist, who was prosecuted in 1892, convicted, fined, and imprisoned for thirty days in jail, for husking corn out of the shock on his own farm on Sunday. The complaining witness in that case was the Rev. Mr. Rowe, pastor of the Methodist Episcopal church of Rock Hall, Md. The minister was passing along the road some forty rods away, and saw Mr. Judefind at work. Warrant was issued and served the same day, Sunday, Nov. 20, 1892. The trial was set for the next day (Monday), and Mr. Judefind was convicted and fined \$5 and costs. The case was appealed to the circuit court, and was tried at Chestertown, Md., April 19, 1893, before Judge Stump

and Judge Wicks. Mr. Ringgold, of the Baltimore bar, appeared as counsel for the defense.

The court suspended judgment in the case at the time of trial, and Mr. Ringgold returned to Baltimore, expecting to be notified when the court was ready to render judgment in the case, having given notice that he intended to appeal the case if judgment was against the defendant.

*At the end of the week, Judge Wicks, in the absence of the counsel for the defense, delivered the opinion of the court, and committed the defendant to jail for thirty days.* Mr. Ringgold applied for a writ of release for the defendant, pending the appeal; but the judges refused to sign the release, and Mr. Judefind had to serve his time out before the case was heard in the Court of Appeals, Jan. 23, 1894. The Court of Appeals affirmed the judgment of the court below, and rendered a decision which Judge Peter of the circuit court of Montgomery County stated forever settled the constitutionality question of the Maryland Sunday law, and that the constitutional question in the Ballenger case could not be entertained again.

The Court of Appeals in the Judefind case said:

"The Sabbath is emphatically the day of rest, and the day of rest here is the Lord's day, or Christian Sunday. . . . Ours is a Christian community, and the day set apart as the day of rest is the day consecrated by the resurrection of our Saviour. . . . If the Christian religion is benefited and fostered by this day of rest, as it undoubtedly is, there is all the more reason for enforcement of laws that will help to preserve it."

Thus Mr. Judefind was not allowed by the court, nor under the Maryland Sunday law, to select alone his own day of rest and worship, but he must also observe what the court calls "the Christian Sunday," because it "is the day consecrated by the resurrection of our Saviour."

Judge Peter, of Rockville, in com-

menting upon this opinion of the Court of Appeals, stated that he fully agreed with this opinion, and considered it one of the best opinions ever handed down by any court. Judge Peter further stated that the opinion in the Judefind case fully settled the constitutional question of the Maryland Sunday law, and if the Ballenger case was submitted to a jury for trial and if the jury decided that Mr. Ballenger was not guilty of violating the Maryland Sunday law by working in his own house on Sunday, the jurors would be guilty of violating their oath, in his judgment.

Judge Peter remanded the case again to the lower court, whereupon Mr. Ballenger chose to serve the optional jail sentence of five days, as his conscience would not allow him to pay the fine. Mr. Ballenger considered that he had fulfilled the spirit of the law when he rested on the seventh day of the week, and that it was a gross injustice as well as religious persecution to compel him to rest another day, and thus deprive him of the privilege of working six days each week. The fact that the work he did was in his own home and disturbed no one, makes the prosecution especially odious, and shows that it was religious persecution.

The Maryland Sunday law is purely religious in that it allows only religious acts on Sunday, and prohibits all civil activity. The present law does not allow a person to work in his own home. You cannot sweep the carpet, dust the piano, mop the floor, shake a rug, hang a picture on the wall, brush a cobweb out of a corner, sew on a button, dig potatoes out of your garden for a meal, hoe your peas, mow or water your lawn, hang the screen door or window screens, wash your automobile or drive it for pleasure. All these things have been construed as unnecessary work, and not coming under works of charity on Sundays.

Yet the Sunday law advocates tell us that these Sunday laws are not religious but civil laws. Some of the courts have

fallen into the same erroneous mode of reasoning. The only hope of America's being delivered from the legal bondage of a religious tyranny and having these religious relics of a dead past wiped off our civil statute books, is for the people to insist that their legislatures give them an opportunity to do what they themselves do not have the moral courage to do for fear of the hierarchy. Whenever the people are given an opportunity to vote in defense of the great American ideals of civil and religious liberty, these compulsory Sunday observance laws are repealed.

The much-boasted "free State of Maryland" does not even believe in religious toleration. In 1893 another Seventh-day Adventist, who lived near Ford's Store, Md., was sent to jail because he refused to testify in court on his holy day, the seventh-day Sabbath. The public officials of Maryland have some distance to go yet before they can boast even of religious toleration. Religious liberty is a stranger in Maryland, and does not even get a peep in when its Sunday blue laws are enforced.



### Ohio Liberalizes Sunday Law in Face of Vigorous Church Protest

THE church people who vigorously protested for many years against the liberalizing of the Ohio Sunday laws, lost their fight before the Ohio Legislature when both the senate and the house of representatives passed the Marshall bill by overwhelming majorities, legalizing moving picture shows on Sundays. Most of the cities and towns throughout the State already permitted motion picture shows on Sundays, and this bill now allows them all to operate without breaking the law.

The political preachers in Ohio were very unwilling to release their strangle hold upon the legislature, which they had held for so many years, but in this contest they were literally routed and driven from the political chamber, and

the legislators ceased to be afraid of the threats of political boycott from these religio-political reformers. The Cleveland *Plain Dealer* says that "the debate in the house was reminiscent of the days of Ku Klux Klan domination, when such measures as the Bible reading bill and Sunday dance law were burning issues."

Two hours were spent in the house in the discussion of the Sunday blue laws which are being violated in every community in the State. "Mrs. W. E. Slagle (Republican), of Youngstown, sought to amend the Sunday bill by a provision that no city, village, or township could have Sunday movies without an ordinance being passed to that effect, or the question being submitted to a vote of the people." When her amendment was voted down, she declared the vote was "against the church people and the American principle of local self-government." She further declared that the nation "would be wrecked by immorality" if the Sunday law was set aside. That was the argument the political preachers made to Thomas Jefferson, when he advocated the separation of church and state and the establishment of religious freedom in Virginia in 1785.

Representative W. D. Ditmar (Democrat) appealed to the farmer legislators to vote for the retention of the Sunday law. He said, "This bill puts the pictures in competition with the church. Six days a week ought to be enough for pictures. I hope this bill gets a dose of cow-pasture representation."

But the cow-pasture representation and the political preachers were not able to administer the dose of ecclesiastical intolerance and strangulation on this occasion.

Rev. Forest W. Hall, Republican legislator of Guernsey County, asserted that the Marshall bill was "one of the most vicious bills ever before this house," and "a direct stroke at the church of the living God."

Representative William H. Schweikert (Democrat) said that it was "impossible to force young people into church by

closing up picture shows. Too much religion makes a person drunk, and then he cannot think clearly about anything."

Representative L. P. Mooney (Republican) said he was a churchgoer, but was not in favor of trying to legislate people into religion.

The Sunday laws are religious laws, and the discussion of Sunday legislation, whether participated in by legislators or preachers, is always flavored strongly with religious arguments. The sooner all these religious laws are repealed, the better it will be for both the church and the state.

The senate of the Ohio Legislature voted for Sunday movies by a majority of 23 to 1, and the house of representatives by a majority of 72 to 42.

If movies are right morally and civilly on one day of the week, they are so on every day. Whether people should attend them on religious days is a matter for each church to decide relative to its own church members. The state has nothing to do with the enforcement of religious obligations or church discipline.



### Labor Favors One Day's Rest in Seven, Not Necessarily Sunday

**A**N editorial appearing in the *Courier-Citizen* of Lowell, Mass., on April 4, under the heading, "Sunday Laws," has been forwarded to us. Perhaps our readers will be interested in extracts from the editorial, and the letter which we wrote to the editor, setting forth the position of our magazine. The *Courier-Citizen* says:

"One of the articles in a recent issue [of LIBERTY] denounces the attempt which is being made to secure legislation against the opening of barber shops on Sunday. The basis of LIBERTY's opposition to any such measures is that they constitute a recognition of Sunday as a religious day. Undoubtedly that is the ground on which many proponents of such bills take their stand, but it is by no means the only one which can be occupied. Sunday is not only a day of religious observance, it is also set apart as a day of rest. As

the former, it may be excluded from the field of legislation. As the latter it can rightly be protected.

"As we see it, it is just as appropriate to enact laws which are intended to secure rest time for labor on one day of the week as it is to regulate hours of labor on the other six days. Why is it proper to put on the statute books a 48-hour law, and all wrong to pass a six-day law? The purpose is in both cases to promote the welfare of the individual and to protect him from the compulsion of working more than his best physical and mental welfare will allow."

Stressing the idea that one day of rest in seven is needed, the editorial continues:

"The principle of one day in the week in which labor can rest may well be applied to even a greater extent than it is at present. Such a principle does not savor of religion at all, and indeed can be divorced from it entirely if legislation takes the form, not of requiring Sunday closing, but merely of securing one free day in the week for those who are employed in establishments which cannot conveniently suspend operations at any time."

Following such a clear-cut statement, we were amazed to read:

"There will remain, it is to be expected, and indeed hoped, a considerable amount of law which does recognize this particular day as it has been recognized from time immemorial. The great numbers of people who regard it as sacred should be protected in the peaceful enjoyment of their worship and quiet."

We replied as follows:

"The editors of the LIBERTY magazine admit without reservation that 'it is just as appropriate to enact laws which are intended to secure rest time for labor on one day of the week as it is to regulate hours of labor on the other six days.' We believe it is perfectly proper for the civil authorities to provide for twenty-four consecutive hours of rest for the laboring man in every seven days. It is our belief that Sunday has no advantage over any other day in the week as a day of rest for laboring people. If Sunday has any advantage over other days, it is a religious advantage, and we earnestly contend that the State has no right to legislate in religious matters. Under the Federal Constitution, Congress is prohibited from making any law respecting the establishment of religion.

"Having met the proponents of Sunday law measures at hearings held by Congress, State legislatures, and municipal councils, we unhesitatingly say that no Sunday law can be enacted without its having a religious significance. Our experience leads us to know that every

such enactment is used by the advocates of religious legislation as an argument for future and stricter laws to govern Sunday observance. The only way to prevent the enactment of the most rigid, persecutory religious legislation is to prevent the first step from being taken in that direction.

"In hearings held by a subcommittee of the District of Columbia Committee of the House of Representatives upon a measure for Sunday observance, John B. Colpoys, editor of the *Trade Unionist*, and secretary of the Central Labor Union of the District of Columbia, testified that this union, representing 65,000 members in the District, after appointing a special meeting for discussion, unanimously opposed the bill, objecting to anybody's stating that any particular day shall be secured either for a day of rest or for a day of religious worship. We believe this is the attitude of organized labor everywhere.

"When a bill, introduced by Senator Jones, was before Congress, the American Federation of Labor in convention assembled, adopted a resolution of its committee which said, 'Your committee commends the executive council for defeating this restrictive measure, and recommends a continuation of its efforts should any similar measure be introduced in the Sixty-ninth Congress.' The report of the committee was unanimously adopted by the convention, which at that time represented some four and a quarter millions of workers in the country.

"California has solved the matter of a day of rest by providing for twenty-four consecutive hours every seven days. At a general election held in November, 1930, the electorate by a majority vote of 833,393 defeated a proposal to close the barber shops in that State on Sunday.

"In the District of Columbia, the barber shops are open from nine to twelve on Sundays. If a bill were to pass Congress demanding that these shops be closed twenty-four consecutive hours each week, I think there is no doubt but that Sunday would be the day chosen by almost if not all the shops. If no special day were mentioned, observers of another day, such as Jews, Seventh Day Baptists, and Seventh-day Adventists, would not be prevented from opening on Sunday. All these have as much right under the laws of this land to six days of labor as have those who chance to observe the first day of the week as sacred time. By an act such as I have suggested, Congress would be free from any just charge of showing preference to one religious group over another.

"We are in hearty accord with your statement that 'the great numbers of people who regard it [Sunday] as sacred should be protected in the peaceful enjoyment of their worship and quiet.' It is entirely within the province of the police power to protect from inter-

ference those who gather in any kind of peaceable assembly, whether it be religious, fraternal, or merely entertaining, and this protection should be extended whether the interference comes from members or nonmembers within the building in which they meet or from without. This is a mere truism, and I refer to it only because I want you to know that we are absolutely opposed to anything that is contrary to good order. We hold that no one can claim anything as a right which denies to others an equal right or interferes with their peaceful practice of inherent natural rights."

H. H. V.



### The Lions' Club of Chattanooga Votes for Repeal of Sunday Law

THE Lions' Club of Chattanooga, Tenn., has repeatedly gone on record in favor of the repeal of the Sunday blue laws of that State. Two years ago the Lions' Club unanimously went on record requesting the State legislature to give the city of Chattanooga Sunday movies. Charles Mallory, the former president of the Lions' Club, told the club at its recent meeting, when it again voted for the repeal of the Sunday law, "that it was not a question of the right or wrong of Sunday movies, but whether the State legislature can pass religious legislation. It is not a question of morals, but of liberties granted the people."

Mr. Mallory further states "that religious legislation has met opposition since the very birth of the United States, and that George Washington was the first to oppose any laws that would deny any man the right to observe the Sabbath as he pleased. The Lions' Club is not standing for immorality, but the right of every man to do as he pleases."

"Pictures may be bad. Personally I think they are. I hold no brief for the motion picture industry, and would gladly indorse any movement to clean up the pictures. Moreover, I cannot understand how any professing Christian can approve of Sunday movie attendance, nor do I see how that same professing Christian can be so blind to the principles of religious liberty as to want a law on the statute books compelling others to observe a special day because to him it is holy.

"So far as I have been able to observe, the

chief objection to Sunday movies comes from the clergy, and this in itself indicates that the character of legislation that forbids them on Sunday is religious legislation.

"It seems incredible that thinking men should be so ignorant of the history of their country that they do not recognize religious legislation as in direct violation of the rights of the people.

"Among the regulations of the Post Office Department in early days was a provision for the Sunday delivery of mails. There was a great fight against this by the ecclesiastics of the day, but they met with a crushing defeat.

"On January 4, 1811, a petition was sent to Congress from the synod of Pittsburgh, Pa., to 'prohibit stages and postriders from traveling and post offices from being kept open on Sunday.' It was referred to the postmaster-general. On the 18th, 25th, and 31st of the same month other petitions were presented from various religious bodies. Four times—on January 3, 1812; on June 15 of the same year; and on January 27 and February 10, 1815—after a consideration of these petitions, the committee of the House decided to take no action on them.

"Fourteen years passed, then in 1829 the question came up again. The United States Senate then took the bull by the horns, and adopted a report offered by Senator Richard M. Johnson, of Kentucky, who at the battle of Tippecanoe is said to have slain Tecumseh and who afterward was Vice-President of the United States. It put a crimp in the Sunday fanatics for fifty years. It was widely circulated both by Congress as a government document and by the press of the time.

"The inconsistency of those advocating Sunday observance laws is shown by the fact that they always give religious reasons for their laws. Then when they appear before the legislature they claim that the law is for a secular reason or to prevent some one's right to 'rest' or 'worship' being disturbed. The Blair bill, by the way, was not reported out of the committee room, and died a natural death.

"Some twenty or twenty-five years ago the Methodist Ministers' Association of Brooklyn, N. Y., had a number of young men arrested for playing baseball on Sunday on the old plea of 'disturbing' public worship. The case was called before Judge Gaynor, afterward mayor of New York. Upon his asking the ministers what religious service was disturbed by the ball game, it was developed that there was no religious service within two miles, and the young men were discharged. The only sense in which the alleged disturbance is a fact is that the clergy want baseball and every other Sunday amusement stopped because they think thereby they can force the people to go to church.

"If I had the time I might quote from many

of our venerated names in American history to show the attitude of thinking men on this subject—such men as Benjamin Franklin, Thomas Jefferson, the Adamses, George Washington, and others. But why go on? Sunday fanatics, like all others, think they are doing the will of God, therefore they hold it to be their duty to crush out of existence all who refuse to bow to their will. This type of fanatic has never been willing to win by persuasion, but prefers force. Congregations of thoughtful people do not fill the pews of churches where fanatical pastors hold forth. As the Sunday movie is more attractive than the ranting of a fanatic, his enmity is directed against any movement to permit them to operate on Sunday. This type of clergyman probably fears the competition.

"It seems to me that I have presented enough facts to indicate to any fair-minded man that it is not a question of whether any one should or should not go to a Sunday movie, but rather whether we are going to continue to have religious legislation in violation of the rights of the people."

The Tennessee Legislature did pass a bill at its last session granting local option to cities above a certain population, but somehow the governor of Tennessee frustrated the action of the State legislature, and claims that the bill is not a law, and that the ancient Sunday law of Tennessee is still intact and that no amusements or diversions of any kind are permitted on Sunday in the State. The governor of the State is alleged to be a tool of the churches which have had the State legislature under their absolute control for many years.

Public officials should not allow any church organization, or combination of religious organizations, to influence them in their civil functions. The chief executive of a State, the legislators, and the judiciary should make and execute civil laws only, and should never allow anybody's religion, not even their own, to sway them in the impartial discharge of civil functions. Our civil laws should be made and executed so impartially, equitably, and fairly, that no one's religion is benefited or injured thereby.

VINDICTIVENESS and intolerance are the pronounced characteristics of all religious legalists.

**"The Whiter the Bread"**

**D**R. P. L. CLARK, broadcasting over a Chicago radio station, said:

"The whiter the bread, the sooner you're dead;  
The whiter the flour, the sooner the flowers."

This is excellent poetry, because it has good common sense in it. There is more good religion in a wholesome loaf of whole-wheat bread than in many a sermon you hear from the pulpit in these days of hectic politics. While you cannot eat your way into the kingdom of God, you can dig your grave with your teeth.

Dr. Clark called attention to the scientific fact that among the primitive people of India, who subsist entirely on natural foods, that is, the whole grains of wheat, rice, barley, and corn, cancer is unknown. In the civilized countries cancer is greatly on the increase. It may be that the way we eat has considerable to do with this prevalent and dreaded disease.

The vitamins, which impart life and vigor to the body, are found in large quantity near the surface of the grain, where the sunlight reaches them. This covering is peeled off by man, because of its coarse texture, and fed to animals, which thrive on it. Human nature is inclined to chew soft things, to seek rosy beds of ease, to legislate evil out of the world and good into it, and thus banish the trials and temptations which put the real fiber into our characters.

**Erratum**

IN reprinting an article from the *Pacific Union Recorder*, in the last issue of LIBERTY, page 58, relative to the "three times" California had voted on the Sunday law issue, an error was made as follows:

"The first time was in 1883, when, for the first time in the history of California, the Democrats elected a governor, and the issue was repealing a then-existing Sunday law."

This paragraph should have read as follows in order to be true to facts:

"The first time was in 1882, when for the eighth time in the history of California, the Democrats elected a governor, and the issue in this election was the repealing of a then-existing Sunday law."

We thank Attorney William H. Hazell, of Lakeport, Calif., for sending us the above correction.



A FRUITFUL chestnut tree has many clubs and stones hurled at its branches; the barren tree goes unmolested.

**Struck by Lightning on Sunday**

**T**HE following inscription is on an English tombstone:

"Here lies the body of Ethan Bevan,  
Killed by lightning sent from heaven  
For trading horses on Sunday, June eleven,  
In the year eighteen hundred twenty-seven."

This epitaph was inscribed by the authority of the English clergy as a warning to all others.

About two years ago a church was struck by lightning on Sunday while religious services were in progress, and the

pastor was killed while pronouncing the benediction. The church was burned to the ground, and four of the parishioners were killed. If the Lord sent a special judgment from heaven and killed Ethan Bevan for trading horses on Sunday, will some one please explain why the lightning struck this church on Sunday while they were holding religious services, and killed the pastor and four of his parishioners?

People should not be too ready to blame the Lord for everything that takes place upon this earth. It is rather difficult to conceive that the Lord would kill a man for not keeping Sunday holy when there is no record anywhere that the Lord ever made Sunday a holy day. If the Lord should kill everybody who does not keep Sunday holy, there would be tens of thousands of people struck dead every Sunday.





## Bishop Opposes Enforced Sunday Observance

THE Right Reverend Ernest M. Stires, Protestant Episcopal Bishop of Long Island, recently warned fifty members of the Women's National Sabbath Alliance against advocating State or national legislation to compel the observance of Sunday, at a meeting in the Hotel Astor in New York City, according to the *New York Times*. He said:

"The best method of teaching people to keep holy the Sabbath is by personal example. The world is getting tired of those who take the legislative short cut to bring others to their way of thought and action. Let all men be free to choose their own form of Sunday recreation of the mind, body, and spirit, providing always that they do not disturb the worship of others."

It certainly is refreshing to know that not all the ministers of the gospel have bowed the knee to the legislative god Baal. The Lord has reserved a few who still adhere to the divinely ordained means and methods of persuading men to believe and obey, instead of employing legal force. We wish there might be more such ambassadors for God. We have altogether too many political preachers who love to tarry in Cæsar's chamber, and court the favor of the civil scepter in behalf of a religious cause.



## Sparks From the Editor's Anvil

THE church deals with sin, and the state with crime.

GOD is able to run His government without any aid from Cæsar.

THE church that is intolerant advertises its weakness rather than its strength.

CHRIST used a whip of small cords to cleanse the church, but never to purify the state.

ATTEMPTS of church and state to force the conscience in religious concerns, are impious encroachments upon the prerogatives of God.

THE worst church is the one that seeks to dominate polities in the hope of reforming man.

RELIGIOUS leaders who meddle with polities are the wedge drivers of religious schisms.

SOME preachers stand in the pulpit like crossroad signs, which never travel the way they point.

SEPARATION of church and state means that each is supreme and independent in its own sphere of activities.

IT is difficult to understand some people's actions; and sometimes it is hard for us to understand our own.

THE state has no business to dominate religion, nor has the church any prerogative to dictate political policies.

A LEGAL religion fetters all free and rational inquiry, and fills the world with religious hypocrites or conscientious martyrs.

A HUNTER leaves the dead ducks alone as he pursues the wounded ones; so the devil does not trouble the spiritually dead so much as he does the wounded Christian.

THE insistence of compelling your neighbor by legal authority to conform to your religious notions, has been provocative of more than half the bloody wars of the past.

A RELIGION which employs secular power to enforce religious modes, customs, observances, and usages, denies the right to the free exercise and enjoyment of a religious profession.

A CHURCH which becomes so self-satisfied with its piety and its creed that it wants to force them upon everybody else by civil authority, lacks the essential thing in religion—charity.

WHEN a person sets up his piety and growth in grace as a divine prerogative to make his conscience the criterion for another person, he stands in great need of more grace and less prerogative.



## THE STAR-SPANGLED BANNER

FRANCIS SCOTT KEY

O SAY, can you see by the dawn's early light  
What so proudly we hailed at the twilight's last gleaming?—  
Whose broad stripes and bright stars, through the perilous fight  
O'er the ramparts we watched, were so gallantly streaming!  
And the rocket's red glare, the bombs bursting in air,  
Gave proof through the night that our flag was still there;  
O say, does that star-spangled banner yet wave  
O'er the land of the free and the home of the brave?

On that shore, dimly seen through the mists of the deep,  
Where the foe's haughty host in dread silence reposes,  
What is that which the breeze, o'er the towering steep,  
As it fitfully blows, now conceals, now discloses?  
Now it catches the gleam of the morning's first beam,  
In full glory reflected, now shines on the stream;  
'Tis the star-spangled banner, O, long may it wave  
O'er the land of the free and the home of the brave!

And where is that band who so vauntingly swore  
That the havoc of war and the battle's confusion  
A home and a country should leave us no more?  
Their blood has washed out their foul footsteps' pollution.  
No refuge could save the hireling and slave  
From the terror of flight or the gloom of the grave;  
And the star-spangled banner in triumph doth wave  
O'er the land of the free and the home of the brave!

O, thus be it ever when freemen shall stand  
Between their loved homes and the war's desolation!  
Blest with vict'ry and peace, may the Heaven-rescued land  
Praise the Power that hath made and preserved us a nation.  
Then conquer we must, when our cause it is just,  
And this be our motto, "In God is our trust;"  
And the star-spangled banner in triumph shall wave  
O'er the land of the free and the home of the brave.

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